

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEVILLE SEYMOUR DAVIS,

Plaintiff,

vs.

ALBERTO BENBASSAT, et al.,

Defendants.

)
)
) **ECF Case**
)
) **Case No. 09 Civ. 2558 (RMB)**
)
)
)
)
)
)

**NOTICE OF ALBERTO BENBASSAT, STEPHANE BENBASSAT,
GENEVALOR, BENBASSAT & CIE, GERALD J.P. BRADY, DANIEL
MORRISSEY, DAVID T. SMITH, THEMA ASSET MANAGEMENT
LIMITED AND THEMA INTERNATIONAL FUND PLC'S
MOTION TO DISMISS THE ABOVE CAPTIONED ACTION**

PLEASE TAKE NOTICE that upon (1) the Memorandum of Law in Support of Defendants' Joint Motion to Dismiss and Opposition to Plaintiff's Motion to Amend Complaints, filed on June 29, 2011, in 09-Civ-0289 (RMB) (HBP) at Docket No. 253 and (2) the Declaration of Michael E. Wiles in Support of Motions to Dismiss the Above-Captioned Action, filed on June 29, 2011, in 09-Civ-2558 (RMB) at Docket No. 57, the undersigned Defendants, through their counsel, will move this Court at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21B, New York, New York, at a date and time to be determined by the Court, for an order pursuant to Rules 9(b), 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(6), 15 and 44.1 of the Federal Rules of Civil Procedure and pursuant to 15 U.S.C. § 78bb(f)(1) dismissing Plaintiffs' consolidated

amended complaints and denying Plaintiffs' Joint Motion for Leave To Amend Complaints.

Dated: New York, New York
June 30, 2011

/s/ Michael E. Wiles
Michael E. Wiles
Joseph P. Moodhe
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
(212) 909-6000

*Attorney for Defendants Alberto Benbassat,
Stephane Benbassat, Genevalor, Benbassat
& Cie, Gerald J.P. Brady, Daniel
Morrissey, David T. Smith, Thema Asset
Management Limited and Thema
International Fund plc (for purposes of this
motion and other preliminary proceedings)*